

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

ROBERT HARRELL

v.

MICHAEL ASTRUE, COMMISSIONER  
OF SOCIAL SECURITY ADMIN.

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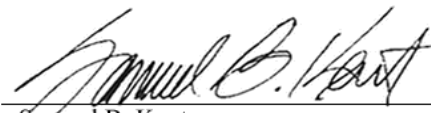
CIVIL ACTION NO. G-04-332

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge entered on June 26, 2007, to which the Commissioner has not filed Objections despite having been given ample time to do so.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Magistrate Judge's Report and Recommendation should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. Accordingly, Plaintiff's Motion for Summary Judgment (Instrument No. 12) is **GRANTED**; Defendant's Motion for Summary Judgment (Instrument Nos. 14 & 15) is **DENIED**; and this action is hereby **REMANDED** to the Social Security Administration for further proceedings pursuant to 42 U.S.C. § 405(g).

**DONE** at Galveston, Texas this 8<sup>th</sup> day of August, 2007.

  
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Samuel B. Kent  
United States District Judge